

VIRGINIA

STATEWIDE RAIL PLAN

2022



Railbanking 101

CTB Rail and Transit Subcommittee

December 7, 2021

What is Rail Banking?

- 1983 provision of the National Trails System Act of 1968
- Allows abandoned railroad lines to be used as a trail

How does Rail Banking happen?

- The Railroad has to file an abandonment application with the U.S. Surface Transportation Board for permission to eliminate rail service (49 CFR 1152)
- An interested party for trail use has to file a notice for trail use (49 CFR 1152.29)
- A party may be state, city, county or other governmental entity; a non-profit or private entity
- The railroad has to notify state agency responsible for railroads of the abandonment

Filing Requirements of 49 CFR 1152.29

- A statement of willingness accept financial responsibility to manage the trail, pay property taxes on the trail and accept responsibility for liability arising from the use of the rail corridor as a trail
- A map of rail corridor
- **An acknowledgment the trail use is to continue to meet the above obligation, and the possibility of future reactivation of rail service on the corridor.**
- A Certificate of Service of the NITU to the railroad

After Abandonment Filing Approval

- Once the Railroad agrees to negotiate with NITU proponent and after the STB grants the abandonment, the parties have one year to negotiate the NITU
- During the negotiation period the railroad may remove rail and ties but leave the bridges and culverts in place
- The negotiations may be extended three times by the STB

Ownership

- Most railroads in Virginia are owned by the railroad or third party
- In this case, railroads typically sell the rail corridor or donate the rail corridor for tax credits

Due Diligence/Negotiations

- Establish a point of contact with the railroad
- Determine value of the property/taxes
- Determine environmental issues and consider who is liable

Rails with Trails/Pedestrian Crossing Projects

- Rails with Trails/Pedestrian Crossing Project Initiation, Coordination, and Review requested in 2009 General Assembly session in HB2088.
- Coordination protocols to evaluate public recreational access and safety issues directly related to new railroad projects among DCR, DRPT, DGIF, and other organizations.
- Includes technical guidance on infrastructure design and safety parameters.

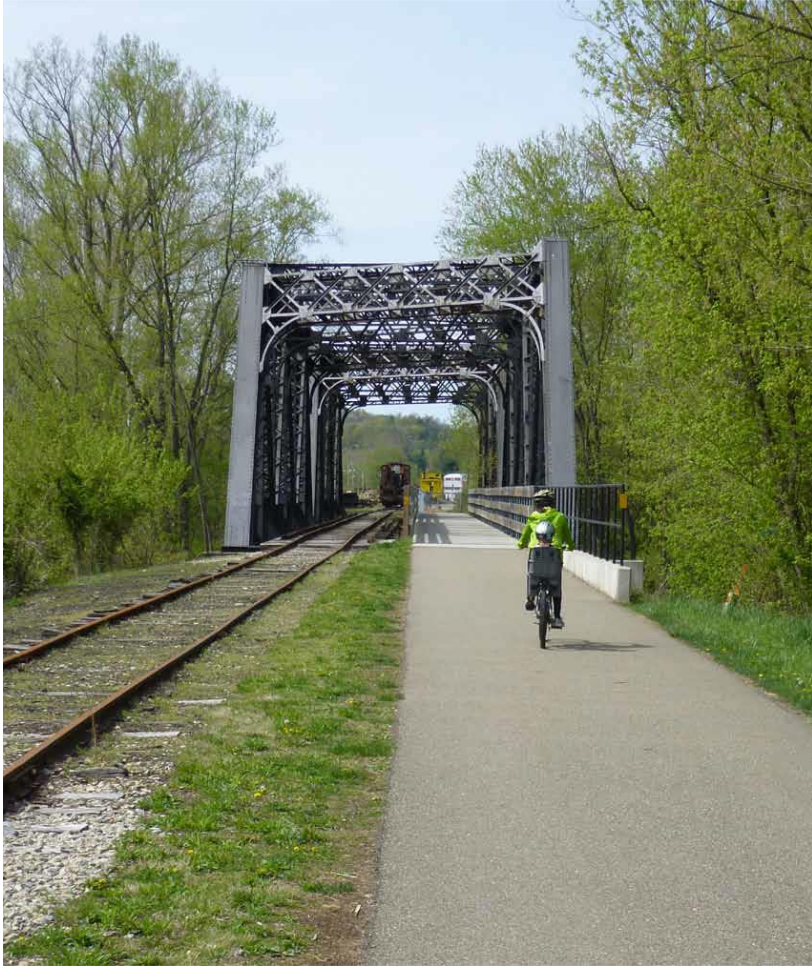
Rails with Trails

- The Rails Trails Conservancy (RTC) conducted a study in 2013 on rails with trails
 - Many railroads are hesitant to embrace this concept, though it is becoming more popular, mainly in urban areas
 - Most are in right of ways of publicly owned transit corridors
 - Railroads are concerned with liability and most rails with trails have fences separating the trail from the rail
 - In a 2019 update the RTC listed 399 rails with trails totaling 1025 miles of trails

Rails with Trails

- Virginia example – Virginia Capital Trail
 - Features 0.5 miles of rail-with-trail
 - Rail is elevated on large viaduct which separates rail from trail
- No formal FRA or STB requirements for separation/protective treatments
- Rails with Trails feature various separation/protective treatments depending on the environment
 - Treatments are negotiated between trail sponsor and railroad

Rails with Trails



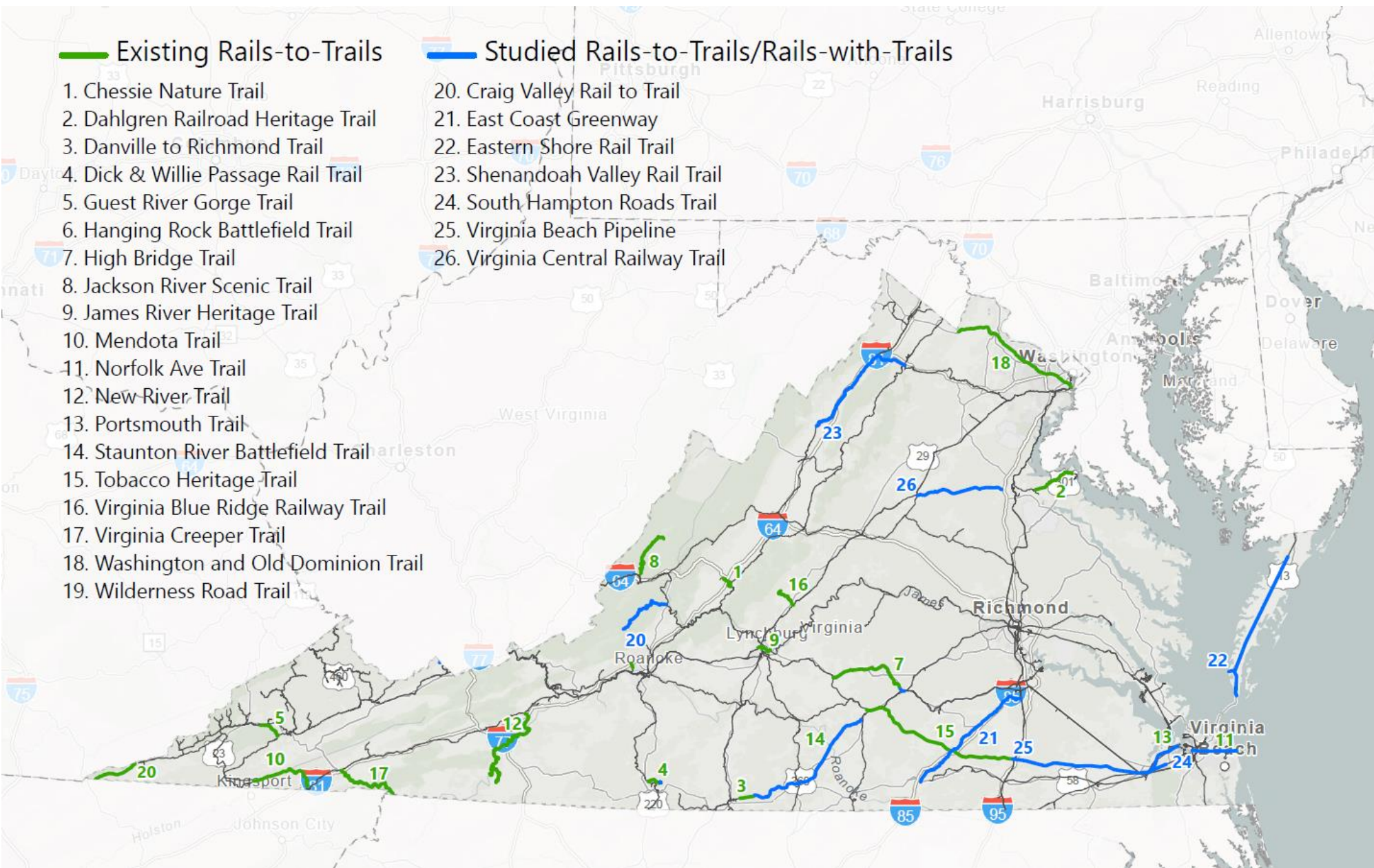
Source: Rails-to-Trail Conservancy

Existing Rails-to-Trails

1. Chessie Nature Trail
2. Dahlgren Railroad Heritage Trail
3. Danville to Richmond Trail
4. Dick & Willie Passage Rail Trail
5. Guest River Gorge Trail
6. Hanging Rock Battlefield Trail
7. High Bridge Trail
8. Jackson River Scenic Trail
9. James River Heritage Trail
10. Mendota Trail
11. Norfolk Ave Trail
12. New River Trail
13. Portsmouth Trail
14. Staunton River Battlefield Trail
15. Tobacco Heritage Trail
16. Virginia Blue Ridge Railway Trail
17. Virginia Creeper Trail
18. Washington and Old Dominion Trail
19. Wilderness Road Trail

Studied Rails-to-Trails/Rails-with-Trails

20. Craig Valley Rail to Trail
21. East Coast Greenway
22. Eastern Shore Rail Trail
23. Shenandoah Valley Rail Trail
24. South Hampton Roads Trail
25. Virginia Beach Pipeline
26. Virginia Central Railway Trail



Rail or Trail?

- Freight rail operations are typically warranted if freight activity is greater than 100 cars/mile/year
- Is there space for both to co-exist now or in the future?
 - Trail designs should consider the possibility of future rail operations
 - Trail agreement should include language on what the railroad will pay the trail holder if the railroad reestablishes rail service

Example Trails Reverting Back to Rail

- Out of the thousands of abandonments since the establishment of the Rails to Trails act in 1983 there have been less than 10 NITU's converted back to rail use

1. **Georgia Great Southern Division, South Carolina Railroad CO Inc., AB-389 Sub-No. 1X, 2003**

The Surface Transportation Board (STB) allowed the successor railroad to revoke the trail use and reactivate rail service. The STB ruled they had no jurisdiction over the reimbursement of purchase costs or trail improvements, as that was a private contractual matter subject to the agreement or judgement of a local court.

2. **R.J. Corman Railroad Company (Clearfield County PA) FD 35116 et al., 2012**

The STB allowed the revocation of the trail use subject to a environmental review of the new construction.

Example Attempt to Revert Back to Rail

- Attempts to restore rail service must be carefully planned and financially sound
 - **Ballard Terminal Railroad Company LLC FD 35731, 2014**

The STB turned down a third party's request for reversion to rail use because of their failure to prove the financial ability to implement the service.

Virginia Resources & Documents

- DRPT Report No. 404 defines the planning process required for Rails with Trails projects (HB2088)
 - <https://pdf4pro.com/amp/view/rails-with-trails-pedestrian-crossing-project-initiation-517439.html>
- The Virginia Department of Conservation & Recreation has a Trails Toolbox which includes some information on Railbanking and Rails with Trails
 - <https://www.dcr.virginia.gov/recreational-planning/document/grchpt04.pdf>

National Best Practices

- Wisconsin, Michigan, Pennsylvania, and Washington are examples of active railbanking states
- The Rails to Trails Conservancy is a good resource for stats, toolboxes, planning guides, and policies
 - www.railstotrails.org
- Rails with Trails Best Practices and Lessons Learned report by the FRA and FHWA is a good resource for best practices
 - <https://www.railstotrails.org/resource-library/resources/rail-with-trails-best-practices-and-lessons-learned/>

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